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NOTICE OF ALLOWANCE AND FEE(S) DUE

68392 7590 08/31/2009

Oppedahl Patent Law Firm LLC - Frei
P.O. Box 4850
Frisco, CO 80443-4850

EXAMINER

FIELDS, COURTNEY D

ART UNIT

PAPER NUMBER

2437

DATE MAILED: 08/31/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,786	07/16/2002	Klaus Ulrich Klossa	FREL-P-052-P1698/U.S	9616

TITLE OF INVENTION: METHOD FOR THE INITIALISATION OF MOBILE DATA SUPPORTS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	11/30/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

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Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

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nonprovisional	NO	\$1510	\$300	\$0	\$1810	11/30/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
FIELDS, COURTNEY D	2437	713-172000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB-122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB-47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2
 3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____
 Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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68392	7590	08/31/2009	EXAMINER	
FIELDS, COURTNEY D				
ART UNIT			PAPER NUMBER	

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DATE MAILED: 08/31/2009

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 419 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 419 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

10/070,786

Applicant(s)

KLOSA ET AL.

Examiner

COURTNEY D. FIELDS

Art Unit

2437

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 09 June 2009.
2. ☒ The allowed claim(s) is/are 29,31,39,40,42-47,49,50 and 57-67.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date ____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

DETAILED ACTION

1. Claims 1-28, 30, 32-38, 41, 48, and 51-56 have been cancelled.
2. Claims 29, 31, 39-40, 42-47, 49-50, and 57-67 have been amended.
3. Claims 29, 31, 39-40, 42-47, 49-50, and 57-67 are pending.

Response to Arguments

1. Applicant's arguments filed 09 June 2009 have been fully considered and they are persuasive.

Allowable Subject Matter

2. Claims **29, 31, 39-40, 42-47, 49-50, and 57-67** are allowed.
3. The following is an examiner's statement of reasons for allowance: The present invention is directed towards a method and system for initialization of mobile data carriers with assigned decentralized read and write stations within the framework of an authorization system. Each independent claim identifies the uniquely distinct features **"wherein said initialization data comprising authorization information and initialization information, being application-specific or system-specific and being used to initialize a new data carrier, a new application, or an extension of an application"**.

The closest prior art, Hautvast et al. (US Patent No. 5,043, 562) discloses a datacard arrangement in an apparatus in which several datacards are used simultaneously, including a datacard receptacle designed to receive two datacards, and two datacards lying one on the other inserted into a data transmittal position in the datacard receptacle.

However, either singularly or in combination, Hautvast et al. fail to anticipate or render obvious the claimed limitations of disclosing an initialization process with such initialization data and especially not the methods for the initialization of decentralized read and write stations and of data carriers at a decentralized authorized read and write station with these initialization data from a remote authorization authority. Hautvast et al. fails to disclose the second step of initialization data generated in authenticating and establishing a secure communication between the four elements: authorization medium, authorization authority, read and write stations and data carriers.

The closest prior art, Eberhard (US Patent No. 5,473,689) discloses a method for authentication between two electronic devices includes generating at least two random numbers; transmitting the two random numbers, so that both are available in both a first and a second station; encrypting the random numbers in both stations to make one cryptogram belonging to each random number; transmitting part of a first cryptogram from one station to the other station; comparing the cryptogram part in the second station, and discontinuing further output of the cryptogram if there is not a match; transmitting part of a second cryptogram by the second station; and comparing the cryptogram part transmitted by the second station, in the first station, and discontinuing further output of the cryptogram if there is not a match. The steps of transmitting part of the first cryptogram from one station to the other station, comparing the cryptogram part in the second station, and discontinuing further output of the cryptogram if there is not a match, transmitting part of the second cryptogram by the second station, and comparing the cryptogram part transmitted by the second station, in the first station, and

discontinuing further output of the cryptogram if there is not a match, are repeated with further parts of the cryptogram until a complete match is found, or until discontinuation has taken place.

However, either singularly or in combination, Eberhard fail to anticipate or render obvious the claimed limitations of disclosing an initialization process with such initialization data and especially not the methods for the initialization of decentralized read and write stations and of data carriers at a decentralized authorized read and write station with these initialization data from a remote authorization authority. Eberhard fail to disclose application-specific random numbers with respect to the system-specific initialization data, nor disclose a data carrier, remote authorization authority or authorization means.

The closest prior art, Van Santbrink et al. (US Patent No. 6,014,088) discloses a method and system for contactless exchange of information between a read/write unit and at least one information carrier, using wireless radiofrequency signal transmission including an input/output circuit and associated coil device and the information carrier including another input/output circuit and associated coil device, and each further including a processing circuit. The read/write unit transmits radiofrequency signals divided in time slots, each successively including a sync pulse and a single data bit. period differing in length for the one and the zero data bit. The data bit signal, received in the read/write unit solely during transmission of the radiofrequency signal, is sampled, after rectification, for detection of the data bits of the information carrier. The read/write units is provided with a detector having two sample and hold circuits in parallel, to which

the input signal after rectification is applied in parallel and to which sampling pulses are applied by the processing circuit for sampling successively in time of the signal.

However, either singularly or in combination, Van Santbrink et al. fail to anticipate or render obvious the claimed limitations of wherein said initialization data comprising authorization information and initialization information, being application-specific or system-specific and being used to initialize a new data carrier, a new application, or an extension of an application.

The closest prior art, Sciupac (US Patent No. 6,871,278) discloses a transaction system for use with passive data storage media, such as optical memory cards, uses secure protocols involving digital certificates for communication between a read/write drive and the medium and also for communication between the drive and a host computer. The drive is physically secured with tamper resistant features and stores cryptographic keys and firmware for executing the secure protocols. All messages (data or commands) passed between the drive and the passive medium or host computer not only are encrypted but also include at least one digital certificate for authenticating the message. Typically, asymmetric (public-private key) encryption is used and keys may be derived from an authorized user's password, personal identification number, or biometric data. The drive includes sensors to detect any attempted intrusions and a control unit that will destroy the critical information (keys and protocol code) in response to a detected intrusion. The keys and protocols stored in a drive can themselves be changed through appropriate use of a secure protocol involving digital certificates.

However, either singularly or in combination, Sciupac fail to anticipate or render obvious the claimed limitations of disclosing an initialization process with such initialization data and especially not the methods for the initialization of decentralized read and write stations and of data carriers at a decentralized authorized read and write station with these initialization data from a remote authorization authority. Sciupac fails to disclose the second step of initialization data generated in authenticating and establishing a secure communication between the four elements: authorization medium, authorization authority, read and write stations and data carriers.

The closest prior art, Cuylen (US Patent No. 7,064,552) discloses a device for determining the energy state of an energy storing device of a data carrier in which a voltage stabilizer is used to derive a stabilized DC voltage for the supply of the data carrier from an unstabilized DC voltage available at the energy storing device. The device has an evaluation circuit that includes an auxiliary capacitor, a measurement circuit for measuring the charging times of the auxiliary capacitor, and an evaluation logic. A quantity describing the energy state of the energy storing device is provided at the output of the evaluation circuit.

However, either singularly or in combination, Cuylen fail to anticipate or render obvious the claimed limitations of wherein said initialization data comprising authorization information and initialization information, being application-specific or system-specific and being used to initialize a new data carrier, a new application, or an extension of an application.

The closest prior art, Ljungstroem et al. (US Patent No. 7,248,886) discloses a cordless communication system includes a mobile terminal of a public mobile communication system and a base station. The base station is connectable to a public fixed network and compatible at an air interface with the mobile communication system which has at least one authentication function. A read and write unit of the base station reads and writes from and to, respectively, at least one identification module. Sections of data of the identification module used in the base station are identical to sections of data stored on a chip card of an access-authorized mobile terminal. The read data from the identification module is processed through software implemented in the base station. The mobile terminal is authenticated with regard to the base station through the processed data, wherein the base station fulfills the same functions and tasks as a home location register and, respectively, an authentication center of the mobile communication system. The mobile terminal is operated through the public fixed network if the authentication has been successful.

However, either singularly or in combination, Ljungstroem et al. fail to anticipate or render obvious the claimed limitations of disclosing a system comprising two sub-systems (a, b) interconnected by a network nor disclosing an authorized mobile device and the authentication/initialization cannot be used to initialize the mobile terminal.

4. Therefore, **claims 29, 57, 58, and 59** and the respective **dependent claims 31, 39-40, 42-47, 49-50, and 60-67**.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to COURTNEY D. FIELDS whose telephone number is (571)272-3871. The examiner can normally be reached on Mon - Thurs. 6:00 - 4:00 pm; off every Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Courtney D. Fields/
Examiner, Art Unit 2437
August 21, 2009

/Matthew B Smithers/
Primary Examiner, Art Unit 2437